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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,801	08/07/2000	George Hsu	P417CIP	3013

24739 7590 08/13/2004

CENTRAL COAST PATENT AGENCY  
PO BOX 187  
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EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/633,801

Applicant(s)

HSU, GEORGE

Examiner

Djenane M Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary, (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Argument***

1. This is in response to amendment filed on May 24, 2004 in which claims 1-18 are pending. The applicant's arguments have been fully considered but they are not persuasive. Therefore, the rejection stand as stated in the previous office action and this is action is made final.

2. Applicant's argues that the art presented does not combine to provide a Prima Facie Section 103 (a) case against the standing claim. This is not persuasive since the various statements in the prior office action clearly stated that Hudson teaches "distributed machine control software architecture that allow functional subsystem ...to be distributed and remotely controlled and monitored " (Hudson page 1, paragraph [0005]).

3. As per claim 1, 7, and 13, Applicant disagrees with the examiner's interpretation of Hudson, stating that Hudson fails to teach that the software is actually transferred over the Internet. However, the claim language fails to teach wherein the software is actually transferred over the Internet. Furthermore, applicant argues that Hudson fails to teach that the remote user has control over home-automated systems and appliances while visiting the network location during network navigation or that the software is distributed over said network that connects the remote system to the local system. The Examiner

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strongly disagrees with the applicant's interpretation of the prior art. The Examiner argues that it is inherent that the remote system is connected to the local system over a network. Furthermore, Hudson teaches wherein "the local system is located at any remote network location including any Internet addressed location "(See abstract).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 3, 4, 7, 8, 10, 11, 13, 14, 15, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (6,580,950) in view of Hudson et al. (U.S. Pub No. 2002/0007229).

a. As per Claim 1, Johnson et al. discloses a software control-module for enabling a use to monitor and control home-automated-systems and appliances from a remote interface on a data packet-network comprising (Abstract): a reporting function for reporting current status of the home automated-systems and appliances; a selection function for selecting options related to system and to appliance settings (col. 2, lines 45-67); a command-building function for building commands (i.e. routines; col. 6, lines 12-21) for system and appliance control; an execution function for executing commands

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(figure 9; col. 6, lines 12-21; col. 7, lines 30-67; col. 8, lines 1-5; col. 5, lines 1-20); and a display function for displaying relevant data and for facilitating interactive control ability (fig. 3, fig. 4). However, Johnson et al fails to teach where it is characterized in that the software-control module is distributed to pre-selected network locations frequented by a user such that the user may have control over home-automated systems and appliances while visiting the network location during network navigation.

Hudson et al teaches distributed machine control software architecture.

Furthermore, Hudson et al teaches where it is characterized in that the software-control module is distributed to pre-selected network locations frequented by a user such that the user may have control while visiting the network location during network navigation (See paragraph [0005], lines 1-7 and paragraph [0013], lines 13-23)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate where it is characterized in that the software-control module is distributed to pre-selected network locations frequented by a user such that the user may have control while visiting the network location during network navigation as taught by Hudson et al in the claimed invention of Johnson et al in order to provide a new approach which allows certain portions of the control software to be located with the machine while allowing the user control portions of the software to be located at a user control point which may be distant from the machine location and connected to it via the internet or another data network (See paragraph [004], lines 5-13).

b. As per Claim 7, Johnson et al. discloses a control system for controlling home automated-systems and appliances from within a remote interface on a data-packet-network (Abstract) comprising: a first server node connected to the network; a data

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repository accessible to the first server node for storing and managing data (data center; fig. 1; col. 4, lines 40-53). However, Johnson et al fails to teach where but lacks a second server node connected to the network; an electronic information page hosted by the second server node; and a software control-module provided within the electronic information page hosted by the second server node, such that a user visiting the second server node and viewing the electronic information page may interact with the software control-module provided within the information page for the purpose of monitoring the home-automated-systems and appliances and communicating commands and settings changes to the first server node for transmission over the network to control apparatus associated with the systems and appliances.

Hudson et al teaches distributed machine control software architecture.

Furthermore, Hudson et al teaches a second server node connected to the network; an electronic information page hosted by the second server node; and a software control-module provided within the electronic information page hosted by the second server node, such that a user visiting the second server node and viewing the electronic information page may interact with the software control-module provided within the information page for the purpose of monitoring and communicating commands and settings changes to the first server node for transmission over the network to control apparatus associated with the systems and appliances (See paragraph [0005], lines 1-7 and lines 18-20 and paragraph [0013], lines 13-23]

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a second server node connected to the network; an electronic information page hosted by the second server node; and a software control-

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module provided within the electronic information page hosted by the second server node, such that a user visiting the second server node and viewing the electronic information page may interact with the software control-module provided within the information page for the purpose of monitoring the home-automated-systems and appliances and communicating commands and settings changes to the first server node for transmission over the network to control apparatus associated with the systems and appliances as taught by Hudson et al in the claimed invention of Johnson et al in order to provide a new approach which allows certain portions of the control software to be located with the machine while allowing the user control portions of the software to be located at a user control point which may be distant from the machine location and connected to it via the internet or another data network (See paragraph [004], lines 5-13).

c. As per Claims 2 and 4, Johnson in view of Hudson et al discloses the control module of claim 1 and the control system of claim 7, and Johnson further discloses wherein the data-packet-networks the Internet network (Abstract).

d. As per Claim 3, Johnson in view of Hudson et al discloses the software control module of claim 2, and Johnson discloses wherein the remote interface is an interactive information page of a Web site (Abstract; fig. 3).

e. As per Claim 4, Johnson in view of Hudson et al discloses the software control module of claim 3, and Hudson et al discloses wherein the software control module is distributed to and embedded within the interactive information page (See paragraph [0005], lines 1-5).

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f. As per Claim 10, Johnson in view of Hudson et al discloses the method of claim 8, and Hudson et al further discloses wherein the software control-module is distributed from the first server to the second server (See paragraph [0005], lines 10-13).

g. As per Claim 11, Johnson in view of Hudson et al discloses the method of claim 10, and Hudson et al further discloses wherein the software control-module is distributed to more than one secondary server and embedded in more than one electronic information page hosted within the secondary servers (See paragraph [0005], lines 10-13).

h. As per claim 13, Johnson discloses a method for controlling home-automated-systems and appliances from a remote interface on a data-packet-network comprising the steps of:

(b) activating an interactive control-window associated with the remote interface; (c) selecting desired options presented within the interactive control window; (d) depending on the selected options, changing settings and creating commands (Abstract; col. 2, lines 45-67); and (e) executing the new settings and created commands (figure 9; col. 6, lines 12-21; col. 7, lines 30-67; col. 8, lines 1-5; col. 5, lines 1-20).

However, Johnson et al fails to teach navigating on the data-packet-network to the remote interface.

Hudson et al teaches navigating on the data-packet-network to the remote interface (See paragraph [0013], lines 15-20).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate navigating on the data-packet-network to the remote interface as taught by Hudson et al in the claimed invention of Johnson et al in order to



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provide a new approach which allows certain portions of the control software to be located with the machine while allowing the user control portions of the software to be located at a user control point which may be distant from the machine location and connected to it via the internet or another data network (See paragraph [004], lines 5-13).

i. As per Claim 14, Johnson in view of Hudson et al discloses the method of claim 13, and Johnson further discloses wherein the data-packet-networks the Internet network (Abstract).

j. As per Claim 15, Johnson in view of Hudson et al discloses the method of claim 14, and Johnson further discloses wherein in step (a), navigation is performed with a network browser application (figure 3).

k. As per Claim 16, Johnson in view of Hudson et al discloses the method of claim 15, and Johnson further discloses wherein in step (a), the remote interface is an electronic information page (col. 3, lines 44,45).

l. As per Claim 18, Johnson in view of Hudson et al discloses the method of claim 16, and Johnson further discloses wherein steps (c), (d), and (e) are accomplished by mouse click and keyboard function (figure 3).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (6,580,950) in view of Hudson et al. (U.S. Pub No. 2002/0007229) as applied to claims 7 and 8 above, and further in view of Austin.

a. Johnson et al. (6,580,950) in view of Hudson et al. discloses the control system of claim 8, but lacks wherein the software control-module is a JAVA-based module. Austin teaches (Part 4) that JAVA based applications have been used in the software

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community for the purpose of enabling object-oriented applications that can run anywhere and on the World Wide Web. It would have been obvious to one skilled in the art at the time the invention was made to modify the Johnson in view of Hudson et al software-control module to be programmed in JAVA, as taught by Austin, for the purpose being able to display JAVA applet programs on the World Wide web (Part 4).

7. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (6,580,950) in view of Hudson et al. (U.S. Pub No. 2002/0007229) as applied to claims 11 and 16 above, and further in view of Brown et al (6,604,075).

a. Johnson et al. (6,580,950) in view of Hudson et al. discloses the control system of claim 11 and the method of claim 16, but lacks where the software control-module is voice-activated for building commands and changing settings. Brown teaches the use of a voice activated control module (web based voice interface) for the purpose of extending internet access to audio interfaces (col. 1, lines 15 – 31), which can be used for creating commands (col. 2, lines 5-7; col. 2, lines 50-55) and changing settings (col.3, lines 19-23). It would have been obvious to one skilled in the art at the time the invention was made to modify the Johnson in view of Hudson et al control system to include a voice activated software control module, as taught by Brown, for extending internet access to an audio interface (col. 1, lines 15-31) from which commands could be issued and settings could be changed (col. 2, lines 5-7; col. 2, lines 50-55; col.3, lines 19-23).

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8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (6,580,950) in view of Hudson et al. (U.S. Pub No. 2002/0007229) as applied to claim 4 above, and further in view Austin.

a. Johnson et al. in view of Hudson et al. discloses the software control module of claim 4. Johnson in view of Hudson et al lacks wherein the software control module is a JAVA-based module. Austin teaches (Part 4) that JAVA based applications have been used in the software community for the purpose of enabling object-oriented applications that can run anywhere and on the World Wide Web. It would have been obvious to one skilled in the art at the time the invention was made to modify the Johnson in view of Hudson et al software-control module to be programmed in JAVA, as taught by Austin, for the purpose being able to display JAVA applet programs on the World Wide web (Part 4).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (6,580,950) in view of Hudson et al. (U.S. Pub No. 2002/0007229) and further in view of Austin, as applied to claim 5 above, and further in view Brown et al. (6,604,075).

a. Johnson in view of Hudson et al, and further in view of Austin discloses the software-control module of claim 5, but lacks wherein the command-building function and the command-execution function are voice-activated functions. Brown teaches the use of a voice activated control module (web based voice interface) for the purpose of extending internet access to audio interfaces (col. 1, lines 15 – 31), which can be used for creating commands (col. 2, lines 5-7; col. 2, lines 50-55) and changing settings (col.3,

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lines 19-23). It would have been obvious to one skilled in the art at the time the invention was made to modify the Johnson in view of Hudson, and in further view of Austin software control module to include a voice activated software control module, as taught by Brown, for extending internet access to an audio interface (col. 1, lines 15-31) from which commands could be issued and settings could be changed (col. 2, lines 5-7; col. 2, lines 50-55; col.3, lines 19-23).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

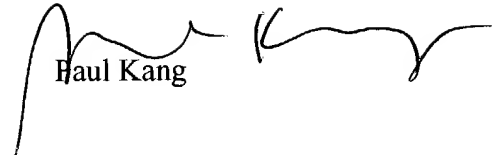
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Djenane Bayard

Patent Examiner

A handwritten signature in black ink, appearing to read 'Haul Kang', with a stylized, flowing script.

Primary Patent Examiner